

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE NO. 02-466  
RE: JUDGE JOHN RENKE, III

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**RESPONSE TO THE FLORIDA JUDICIAL QUALIFICATIONS**  
**COMMISSION’S REPLY TO JOHN K. RENKE, II’S**  
**MOTION TO ENFORCE SUBPOENA DUCES TECUM AND**  
**MOTION FOR PROTECTIVE ORDER**

COMES NOW, the HONORABLE JOHN K. RENKE, III, by and through his undersigned counsel, and files his Response to the Florida Judicial Qualifications Commission’s (the “JQC”) Reply to John K. Renke, II’s Motion to Enforce Subpoena Duces Tecum and Motion for Protective Order, and states the following:

Throughout the investigation and prosecution, Special Counsel has failed to differentiate between the actions of John K. Renke, II, Esquire and Judge John K. Renke, III. While it may be convenient to do so, Special Counsel should not be permitted to treat these individuals as one entity. In the interest of professional courtesy and full disclosure, we have attempted to encourage John K. Renke, II to fully cooperate with the JQC’s discovery requests. However, this law firm solely represents Judge John K. Renke, III.

It is our position that full discovery will ultimately benefit our client, Judge John K. Renke, III. To that end, we agreed to accept service of the Subpoena Duces Tecum directed to John K. Renke, II and assisted in the coordination of a convenient time for Special Counsel to review the documents referenced in the JQC's subpoena to John K. Renke, II. However, our office did not attend the document production on March 21, 2005, and did not purport to represent John K. Renke, II in any respect. It was our understanding that Special Counsel informed John Renke, II's office staff, following the initial review of the documents, that he would be in touch to coordinate a further date to continue his review.

After the document production, Special Counsel spoke with the undersigned concerning his review of the records. In pertinent part, he stated that the underlying case files referenced in Exhibit A to the JQC's reply were much more complex than he had anticipated. He further indicated that he was unable to fully review the case files. Special Counsel did inform the undersigned that John K. Renke, II had concerns divulging client information that could be privileged.

On April 6, 2005, John K. Renke, II attended the deposition of Thomas Gurran as Mr. Gurran's attorney. At that time, Special Counsel and John K. Renke, II addressed the continued production of documents from

John K. Renke, II's law office, and John K. Renke, II's privilege concerns. After the deposition ended, Special Counsel told John K. Renke, II that he would contact him to schedule a mutually convenient time to continue the review. The undersigned counsel believed Special Counsel and John K. Renke, II had resolved, or could resolve, the privilege concerns. Special Counsel never contacted the undersigned to express any inability to communicate with John K. Renke, II or otherwise coordinate a production date.

On April 28, 2005, at the deposition of Declan P. Mansfield, Esquire, Special Counsel referenced John K. Renke, II's assertion of the attorney-client privilege and John K. Renke, II's argument that documents sought by the JQC were confidential and privileged. The undersigned indicated to Special Counsel that he could not answer or respond on behalf of John K. Renke, II, and advised Special Counsel to contact Mr. Renke directly. As stated in our May 4, 2005 correspondence to Special Counsel, the undersigned's actions were not a "bait and switch" tactic, nor were our actions an attempt to "pass the buck." (See May 4, 2005 correspondence, attached as Exhibit A). The undersigned counsel believes Special Counsel did not contact John K. Renke, II to complete his review until after he filed his motion to enforce the referenced subpoena. Our office previously

encouraged John K. Renke, II to comply with the discovery requests because we believed it was in the best interest of Judge John K. Renke, III. We could not and have not asserted any position on behalf of John K. Renke, II, including making any objections to the request for production of documents. Our law firm has made it abundantly clear to Special Counsel that our only client is Judge John K. Renke, III. It is respectfully submitted that Special Counsel's assertions to the contrary are at best, misguided and at worst, disingenuous.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \_\_\_\_\_ day of June, 2005, the original of the foregoing has been filed via [e-file@flcourts.org](mailto:e-file@flcourts.org) and furnished

by UPS overnight delivery to:

Honorable Thomas D. Hall  
Clerk  
Supreme Court of Florida  
500 South Duval Street  
Tallahassee, Florida 32399-1927

with copies by U. S. Mail to:

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